

The Gazette of India

PUBLISHED BY AUTHORITY

No. 46] NEW DELHI, SATURDAY, NOVEMBER 16, 1963/KARTIKA 25, 1885

NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 4th November, 1963 :—

Issue No.	No. and Date	Issued by	Subject
210	S. O. 3106, dated 30th October, 1963	Ministry of Information and Broadcasting.	Approval of the film specified therein.
211	S. O. 3107, dated 30th October, 1963	Ministry of International Trade.	Appointing a body of persons for the purpose of making complete investigation into the circumstances of the New Victoria Mills Co. Ltd., Kanpur.
212	S. O. 3108, dated 1st November, 1963.	Ministry of Finance.	Specifying that from 1st November to 31st December, 1963, every person who makes, manufactures or sells any primary gold shall put a stamp on each piece.
213	S. O. 3109, dated 1st November, 1963.	Ministry of Home Affairs.	Appointing a Commission of Inquiry consisting of Shri S. R. Das to inquire into the allegations made against Sardar Partap Singh Kairon.
214	S. O. 3110, dated 2nd November 1963.	Ministry of International Trade.	Rescinding notification No. S. O. 3557, dated 26th November, 1962.
215	S. O. 3111, dated 4th November, 1963.	Election Commission, India.	Calling upon the Panjim parliamentary Constituency and the Marmagoa Parliamentary Constituency to elect one person each to fill the Vacancies.
	S. O. 3112, dated 4th November, 1963.	Do.	Appointing dates for nominations, scrutiny etc., with reference to the elections referred to in S. O. 3111 above.
	S. O. 3113, dated 4th November, 1963.	Do.	Fixation of Hours with reference to the elections referred to in S.O. 3111 above.

Issue No.	No and Date	Issued by	Subject
216	S O. 3114, dated 4th November, 1963.	Delimitation Commission.	Corrigendum to S O No. 2940, dated 15th October, 1963.
217	S O. 3115, dated 4th November, 1963.	Ministry of Information and Broadcasting.	Approval of films specified therein.
218	S O 3116, dated 4th November, 1963.	Ministry of International Trade.	Authorising Shri N. D. Mehta, to take over the management of the Mewar Textile Mills Ltd., Bhulwara.

Copies of the Gazette Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of this Gazette.

PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

MINISTRY OF HOME AFFAIRS

New Delhi, the 6th November 1963

S.O. 3163.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Central Reserve Police Force Act, 1949 (66 of 1949), the Central Government hereby invests the powers of a sub-Divisional Magistrate on the Commandants of the Central Reserve Police for the purpose of passing sentence under section 349 of the Criminal Procedure Code on proceedings recorded by a subordinate magistrate i.e. the Assistant Commandant, invested with the powers of a Second Class magistrate

[No F 19/69/63-P.II.]

P. SITAPATI, Under Secy

New Delhi, the 8th November 1963

S.O. 3164.—In exercise of the powers conferred by entry 3(c) of Schedule I annexed to the Ministry of Home Affairs Notification No 15/13/59-(V)-P.IV, dated the 13th July, 1962 (GSR No 991, published in the Gazette of India Part II, Section 3, Sub-section (ii), dated the 28th July, 1962), the Central Government is pleased to specify Kr Girish Chandra, Her apparent, Kamta-Rajaule, Ghoghar, Rewa, for the purpose of that entry and directs that the exemption shall be valid in respect of one rifle and one shot gun only.

[No 16/20/63-P.IV.]

M SIVAGNANAM, Dy Secy.

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 5th November 1963

S.O. 3165.—In pursuance of clause (1) of article 239 of the Constitution, the President hereby directs that, subject to his control and until further orders, the

Administrator of the Union territory of Pondicherry shall exercise the powers and discharge the functions of the Central Government under—

- (i) the Land Acquisition Act, 1894 (1 of 1894) except those under the provisos to sub-section (1) of section 55; and
- (ii) the Land Acquisition (Companies) Rules, 1963 within that Union territory.

[No. GH(POND) 119/18/63.]

C. S. AHLUWALIA, Under Secy. (GP),

MINISTRY OF FINANCE

(Department of Economic Affairs)

New Delhi, the 5th November 1963

S.O. 3166.—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 11 of the said Act shall not apply to the Bareilly Bank Ltd., Bareilly, for a period up to and including the 31st March 1964.

[No. F. 15(27)-BC/63.]

B. J. HEERJEE, Under Secy.

(Department of Economic Affairs)

New Delhi, the 7th November 1963

S.O. 3167.—In exercise of the powers contained in clause (c) of sub-section (2) of section 5 of the Agricultural Refinance Corporation Act, 1963 (10 of 1963), the Central Government hereby notifies all societies which are registered or are deemed to be registered under the Co-operative Societies Act, 1912 (2 of 1912), or under any other law for the time being in force in any State relating to cooperative societies, for the purposes of the said clause.

[No. F. 14/21/63-SB.]

R. K. SESHADRI, Dy. Secy.

(Department of Economic Affairs)

New Delhi, the 9th November 1963

S.O. 3168—Statement of the Affairs of the Reserve Bank of India, as on the 1st November 1963

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital paid up	5,00,00,000	Notes	26,55,77,000
Reserve Fund	80,00,00,000	Rupee Coin	2,00,000
National Agricultural Credit (Long Term Operations) Fund	73,00,00,000	Small Coin	3,77,000
National Agricultural Credit (Stabilisation) Fund	8,00,00,000	National Agricultural Credit (Long term Operations) Fund	
Deposits :—		(a) Loans and Advances to :—	
(a) Government		(i) State Governments	27,07,52,000
(i) Central Government	48,67,83,000	(ii) State Co-operative Banks	9,75,10,000
(ii) State Governments	7,36,61,000	(iii) Central Land Mortgage Banks
(b) Banks		(b) Investment in Central Land Mortgage Bank Debentures	3,55,31,000
(i) Scheduled Banks	98,72,70,000	National Agricultural Credit (Stabilisation) Fund	
(ii) State Co-operative Banks	2,34,18,000	Loans and Advances to State Co-operative Banks
(iii) Other Banks	2,57,000	Bills purchased and Discounted :—	
(c) Others	163,77,22,000	(a) Internal
Bills Payable	32,89,28,000	(b) External
Other Liabilities	29,78,68,000	(c) Government Treasury Bills	53,38,21,000
		Balances Held Abroad*	7,31,26,000
		Loans and Advances to Governments**	7,14,29,000
		Loans and Advances to :—	
		(i) Scheduled Banks†	2,03,85,000
		(ii) State Co-operative Banks††	124,60,12,000
		(iii) Others	2,25,80,000
		Investments	230,09,66,000
		Other Assets	25,76,41,000
Rupees	549,59,07,000	Rupees	549,59,07,000

*Includes Cash and Short-term Securities.

**Excluding Loans and Advances from the National Agricultural Credit (Long -Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. Nil advanced to scheduled banks against usance bills under section 17(4) (c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 6th day of November, 1963.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 1st day of November, 1963

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	26,55,77,000		Gold Coin and Bullion :—		
Notes in circulation	2243,92,41,000		(a) Held in India	117,76,10,000	
Total Notes issued		2270,48,18,000	(b) Held outside India	
			Foreign Securities	92,45,69,000	
			TOTAL		210,21,79,000
			Rupee Coin		120,95,37,000
			Government of India Rupee Securities		1939,31,02,000
			Internal Bills of Exchange and other
			Commercial paper
TOTAL LIABILITIES		2270,48,18,000	TOTAL ASSETS		2270,48,18,000

Dated the 6th day of November, 1963.

P. C. BHATTACHARYYA,
Governor.

[No. F. 3(2)-BC/63.]

A. BAKSI, Jt. Secy.

(Department of Revenue)

New Delhi, the 5th November 1963

S.O. 3169.—Whereas the Central Government is of the opinion that it is necessary in the public interest to do so;

Now, therefore, in exercise of the powers conferred by sub-rule (4) of rule 126J, read with rule 126X, of the Defence of India Rules, 1962, the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Finance, Department of Economic Affairs, No. S.O. 130, dated the 10th January, 1963, namely:—

In the said notification—

- (1) the words "of the Central Excise Department" shall be omitted;
- (2) for the Table, the following Table shall be substituted, namely:—

TABLE

Serial No.	Officers authorised to exercise the powers and functions	Rule of the Defence of India Rules, 1962, to which the powers and functions have reference	Nature of the powers and functions.
1	2	3	4
1	Superintendent of the Central Excise Department.	126E	Issue, renewal, refusal or cancellation of licences of the dealers and acceptance and disposal of gold deposited by any person who, being required by the rule to make an application for a licence, has failed to do so, or whose application for licence has been rejected or whose licence has been cancelled.
2	Superintendent of the Central Excise Department.	126F	Acceptance and authentication of returns, affixing of signatures thereon and return of authenticated and signed copies of returns to licensed dealers and refiners.
3	Inspector of the Central Excise Department, Preventive Officer of the Customs Department employed for the time being for the prevention of smuggling, any officer of the Directorate of Revenue Intelligence other than (i) the Administrative Officer, (ii) Hindi Officer, and (iii) Ministerial Officers.	126G	Calling for and inspection of accounts, registers and documents from licensed dealers and refiners.
4	Inspector of the Central Excise Department.	126I	Acceptance and authentication of declarations by persons other than licensed dealers or refiners and affixing of signatures on declarations and return of authenticated copies of declarations to the declarants.

1

2

3

4

- | | | |
|--|---------------------------|---|
| <p>5 Sub-Inspector of the Central Excise Department, Preventive Officer of the Customs Department for the time being employed for the prevention of smuggling, any officer of the Directorate of Revenue Intelligence other than—</p> <p>(i) The Administrative Officer,
(ii) Hindi Officer, and
(iii) Ministerial Officers.</p> | <p>126 I.(1)</p> | <p>Entry into and search of any establishment of any licensed dealer or refinery and seizure of gold or packages, coverings and receptacles containing gold and seizure of any books of accounts, return or any other document relating to gold, where the officer suspects that any provision of Part XIIA of the Defence of India Rules 1962, has been, or is being, or, is about to be, contravened.</p> |
| <p>6 Sub-Inspector of the Central Excise Department with the written permission of Superintendent, Preventive Officer of the Customs Department for the time being employed for the prevention of smuggling, with the written permission of Gazetted Officer of Collectorate of Customs, any officer of the Directorate of Revenue Intelligence, other than—</p> <p>(i) the Administrative Officer
(ii) Hindi Officer, and
(iii) Ministerial Officers, with the written permission of a Gazetted Officer of the Directorate of Revenue Intelligence.</p> | <p>126L(2)</p> | <p>Entry into and search of premises not being refinery or establishment of a licensed dealer and seizure of any gold or packages, coverings or receptacles containing gold which may be found therein.</p> |
| <p>7 Superintendent of the Central Excise Department, any gazetted officer of the Customs Department, any gazetted officer of the Directorate of Revenue Intelligence.</p> | <p>126-L(13)</p> | <p>Holding enquiry for the purpose of ascertaining whether any contravention of the provisions of Part XIIA of the Defence of India Rules, 1962, has been or is being, or is about to be, committed and to summon persons either to give evidence or to produce any document or other thing.</p> |
| <p>8 Inspector of the Central Excise Department, Preventive Officer of the Customs Department for the time being employed for the prevention of smuggling, any officer of the Directorate of Revenue Intelligence other than—</p> <p>(i) the Administrative Officer,
(ii) Hindi Officer, and
(iii) Ministerial Officers.</p> | <p>126-L(15)</p> | <p>Power to take and dispose of samples.</p> |
| <p>9 Collector of the Central Excise Department.</p> | <p>126-M(1) & (2)</p> | <p>Confiscation of gold found and seized under rule 126-L(1) or rule 126-L(2) where the value exceeds two thousand rupees;</p> |

1	2	3	4
	Assistant Collector of the Central Excise Department.		Confiscation of gold found and seized under rule 126-L(1) or rule 126-L(2) where the value does not exceed two thousand rupees.
10	Assistant Collector of the Central Excise Department.	126-Q	Institution of prosecution for any offence punishable under Part XIIA of the Defence of India Rules, 1962.

[No. F. 25/1/63-GCR(1).]

S.O. 3170.—Whereas the Central Government is of the opinion that it is necessary in the public interest to do so;

Now, therefore, in exercise of the powers conferred by sub-rule (4) of rule 126 J, read with rule 126 X, of the Defence of India Rules, 1962, the Central Government hereby authorises any officer of the Central Excise Department, the Customs Department or the Directorate of Revenue Intelligence, holding a rank not below any rank specified in column 2 of the Table below, to exercise all or any of the powers of the Administrator in relation to the matters specified in the corresponding entries in columns 3 and 4 of the said Table.

TABLE

Serial No.	Officers of the Central Excise Department, Customs Department and Directorate of Revenue Intelligence authorised to exercise the powers and functions.	Rule of the Defence of India Rules, 1962, to which the powers and functions have reference.	Nature of powers
1	2	3	4
1	(a) Sub-Inspector of the Central Excise Department; (b) Preventive Officer of the Customs Department for the time being employed for the prevention of smuggling; (c) Any officer of the Directorate of Revenue Intelligence, other than:— (i) the Administrative Officer (ii) the Hindi Officer and (iii) the Ministerial Officers.	126-L(3)	Search of any person suspected to have secreted about his person any gold in respect of which it is suspected that any provision of Part XIIA of the Defence of India Rules, 1962, has been, or is being, or is about to be contravened, or any document relating to such gold.
2	(a) Inspector of the Central Excise Department; (b) Preventive Officer of the Customs Department for the time being employed for the prevention of smuggling; (c) Any officer of the Directorate of Revenue Intelligence, other than:— (i) the Administrative Officer, (ii) the Hindi Officer, and (iii) the Ministerial Officers.	126-L(5)	Detaining a person if the officer suspects that such person has contravened or is contravening, or is about to contravene, any provision of Part XXIIA of the Defence of India Rules, 1962.

1

2

3

4

- 3 (a) Inspector of the Central Excise Department; 126-L(8)
 (b) Preventive Officer of the Customs Department for the time being employed for the prevention of smuggling;
 (c) Any officer of the Directorate of Revenue Intelligence, other than—
 (i) the Administrative Officer,
 (ii) the Hindi Officer, and
 (iii) the Ministerial Officers.
- 4 (a) Sub-Inspector of the Central Excise Department; 126-L(10)
 (b) Preventive Officer of the Customs Department for the time being employed for the prevention of smuggling;
 (c) Any officer of the Directorate of Revenue Intelligence, other than:—
 (i) the Administrative Officer,
 (ii) the Hindi Officer, and
 (iii) the Ministerial Officers.
- 5 Superintendent of the Central Excise Department. 126-L(14)

Arresting a person if the officer has reason to believe that such person has contravened or is contravening or is about to contravene, any provision of Part XIIA of the Defence of India Rules, 1962.

- (a) Stopping any vehicle, animal or vessel or compelling any aircraft to land if the officer has reason to believe that such aircraft, vehicle, animal or vessel is being, or is about to be, used for carrying any gold in respect of which he suspects that any provision of Part XIIA of the Defence of India Rules, 1962, has been, is being, or is about to be, contravened;
 (b) rummaging and searching any part of the aircraft-vehicle or vessel;
 (c) examining and searching any goods in the aircraft, vehicle, vessel, or on the animal;
 (d) breaking open the lock of any door or package for exercising the powers mentioned in clauses (b) and (c) above, if the keys are withheld; and
 (e) using all lawful means for stopping such aircraft, vehicle or animal or vessel, where such stoppage becomes necessary, and firing upon it, where such means fail.

Calling for information from any person for the purpose of ascertaining whether or not there has been any contravention of any of the provisions of Part XIIA of the Defence of India Rules, 1962.

[No. F. 25/1/63-GCR(2).]

B. D. PANDE, Addnl. Secy.

(Department of Revenue)

ORDER

STAMPS

New Delhi, the 16th November 1963

S.O. 3171.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which promissory notes executed by borrowers

in India in favour of the Banque Francaise du Commerce Extérieur, Paris, are chargeable under the said Act.

[No. 26.]

M. G. VAIDYA, Under Secy.

CENTRAL BOARD OF REVENUE

INCOME-TAX

New Delhi, the 6th November 1963

S.O. 3172.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Revenue hereby makes the following further amendments in the Schedule appended to its notification S.O. 3439 (No. 76-Income-tax, dated 9th November 1962), namely:—

In the said Schedule against "Jabalpur Range" under column 2, the following shall be substituted, namely:—

1. A—Ward, Jabalpur.
2. B—Ward, Jabalpur.
3. C—Ward, Jabalpur.
4. Additional A—Ward, Jabalpur.
5. Special Investigation Circle, Jabalpur.
6. A—Ward, Sagar.
7. B—Ward, Sagar.
8. A—Ward, Satna.
9. B—Ward, Satna.
10. A—Ward, Bhopal.
11. B—Ward, Bhopal.
12. C—Ward, Bhopal.
13. Itarsi.
14. Khandwa.

Explanatory Note

The amendments have become necessary on account of the bifurcation of a Circle in the Commissioner of Income-tax Charge.

(The above note does not form a part of the notification but is intended to be merely clarificatory.)

[No. 68 (F. No. 50/11/63-IT.)]

J. RAMA IYER, Under Secy.

MINISTRY OF INDUSTRY

ORDERS

New Delhi, the 5th November 1963

S.O. 3173/IDRA/6/7.—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951 (63 of 1951) read with rule 5(1) of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints, till the 13th October, 1965, Colonel Ved Parkash to be a member of the Development Council established by the Order of the Government of India in the Ministry of Industry No. S.O. 3022 dated the 14th October, 1963, for the scheduled industries engaged in the manufacture or production of Drugs

and Pharmaceuticals and directs that the following amendment shall be made in the said Order, namely:

In the said Order, after entry No. 21 relating to Shri Sen Gupta, the following entry shall be inserted, namely;

22. Colonel Ved Parkash, Deputy Director General (Equipment & Stores), Directorate General of Armed Forces Medical Services, New Delhi.

[No. 1(10)/L.Pr./63.]

New Delhi, the 8th November 1963

S.O. 3174/IDRA/6/3.—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), read with Rule 5(1) of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints, till the 27th August, 1965, Shri R. I. L. Chisholm to be a member of the Development Council established by the Order of the Government of India in the Ministry of Industry No. S.O. 2531, dated the 28th August, 1963, for the scheduled industries engaged in the manufacture or production of Non-Ferrous Metals, including Alloys and Semi-manufactures thereof and directs that the following amendment shall be made in the said Order, namely:

In the said Order, after entry No. 26, relating to Shri G. Narasimban, the following entry shall be inserted, namely:

27. Shri R. I. L. Chisholm, M/s. India Foils Ltd., 11, Sooterkin Street, Calcutta-13.

[No. 1(7)/L.Pr./63.]

S. P. KRISHNAMURTHY, Under Secy.

MINISTRY OF STEEL AND HEAVY INDUSTRIES

(Department of Iron and Steel)

NOTICE

New Delhi, the 5th November 1963

S.O. 3175.—Whereas M/s. Saroj Industries, Industrial Estate, Srinagar (Kashmir) or any Bank or any other person have not come forward furnishing sufficient cause against Notice No. SC(B)-18(64)/63, dated 7th June, 1963, published in the Gazette of India Ordinary Part II, Section 3(ii), dated 15th June, 1963, proposing to cancel Licence No. SIC/IL/C/2800/DI/J&K/17/1/60-61, dated 29th January, 1962, for Rs. 5,000 granted to the said M/s. Saroj Industries, Industrial Estate, Srinagar (Kashmir), by the Iron and Steel Controller, Calcutta, in exercise of powers conferred by clause 9 of the Import Control Order, 1955, hereby cancel the said licence No. SIC/IL/C/2800/DI/J&K/17/1/60-61, dated 29th January 1962, issued to M/s. Saroj Industries, Industrial Estate, Srinagar (Kashmir).

[No. SC(B)-18(64)/63.]

T. J. VERGHESE, Under Secy.

MINISTRY OF INTERNATIONAL TRADE

New Delhi, the 7th November 1963

S.O. 3176.—The Central Government, having considered in consultation with the Forward Markets Commission, the application for recognition made under section 5 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952), by The Southern Gujarat Oil Seeds Merchants' Association Limited, Palaj, and being satisfied that it would be in the interest of the trade and also in the public interest so to do, hereby grants, in exercise of the powers conferred by section 6 of the said Act, recognition to the said Association for a period of three years ending the 15th November, 1966, in respect of forward contracts in cottonseed.

2. The recognition hereby granted is subject to the condition that the said Association shall comply with such directions as may from time to time be given by the Forward Markets Commission.

[No. 34(13)-Com(Genl)(FMC)/62.]

S.O. 3177.—The Central Government, having considered, in consultation with the Forward Markets Commission, the application for recognition made under section 5 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952), by The Calcutta Wheat, Seeds and Bullion Association, 149, Cotton Street, Calcutta, (formerly known as the Calcutta Wheat and Seeds Association, Calcutta) and being satisfied that it would be in the interest of the trade and also in the public interest so to do, hereby grants, in exercise of the powers conferred by section 6 of the said Act and in supersession of the notification of the Government of India in the late Ministry of Commerce and Industry No. S.O. 141, dated the 10th January, 1963, recognition to the said Association for the period from the 16th November, 1963, upto the 30th January, 1964, both days inclusive, in respect of forward contracts in linseed in the City of Calcutta.

2. The recognition hereby granted is subject to the condition that the said Association shall comply with such directions, as may, from time to time, be given by the Forward Markets Commission.

[No. 34(1)-Com(Genl)(FMC)/63.]

ORDER

IMPORT TRADE CONTROL

New Delhi, the 16th November 1963

S.O. 3178/IECA/3-4A/5/63.—In exercise of the powers conferred by section 3 of the Imports and Exports (Control) Act, 1947 (18 of 1947), the Central Government hereby makes the following Order further to amend the Imports (Control) Order, 1955, namely:—

1. *Short title.*—This Order may be called the Imports (Control) 13th Amendment Order, 1963.

2. *Amendment of Schedule I.*—In Part V of Schedule I to the Imports (Control) Order, 1955, against Serial No. 29, for the entries in column (3), the following entries shall be substituted, namely:—

28, 28(7) and 28(7-A).

[No. 16/63.]

M. L. GUPTA, Under Secy.

COFFEE CONTROL

New Delhi, the 5th November 1963

S.O. 3179.—Sri H. Sitarama Reddy, Chairman, Coffee Board, Bangalore, was granted earned leave for 12 days from the 14th October, 1963 to 25th October, 1963 with permission to prefix the holidays on the 12th and 13th October, 1963 and to suffix the holidays on the 26th and 27th October, 1963.

After the expiry of the leave, Sri Sitarama Reddy resumed duty in the post of Chairman, Coffee Board, Bangalore, on the forenoon of the 28th October, 1963.

[No. F. 9(36)Plant(B)/63.]

B. KRISHNAMURTHY, Under Secy.

ORDER

EXPORT TRADE CONTROL

New Delhi, the 16th November 1963

S.O. 3180.—In exercise of the powers conferred by section 3 of the Imports and Exports (Control) Act, 1947 (18 of 1947), the Central Government hereby

makes the following further amendment to the Exports (Control) Order, 1962, namely:—

In Part B of Schedule I to the said Order—after item 40, the following item shall be added:—

“41. Mango slices in brine.”

[No. E(C)O, 1962/AM(37).]

MELA RAM BHARDWAJ, Under Secy.

MINISTRY OF SCIENTIFIC RESEARCH AND CULTURAL AFFAIRS

ARCHAEOLOGY

New Delhi, the 7th November 1963

S.O. 3181.—Whereas by notification of the Government of India in the Ministry of Scientific Research and Cultural Affairs No. F. 4-10/63-C.I., dated the 15th May, 1963, published in Part II, section 3, sub-section (ii) of the Gazette of India, dated the 25th May, 1963, the Central Government gave notice of its intention to declare the archaeological monument specified in the Schedule below to be of national importance.

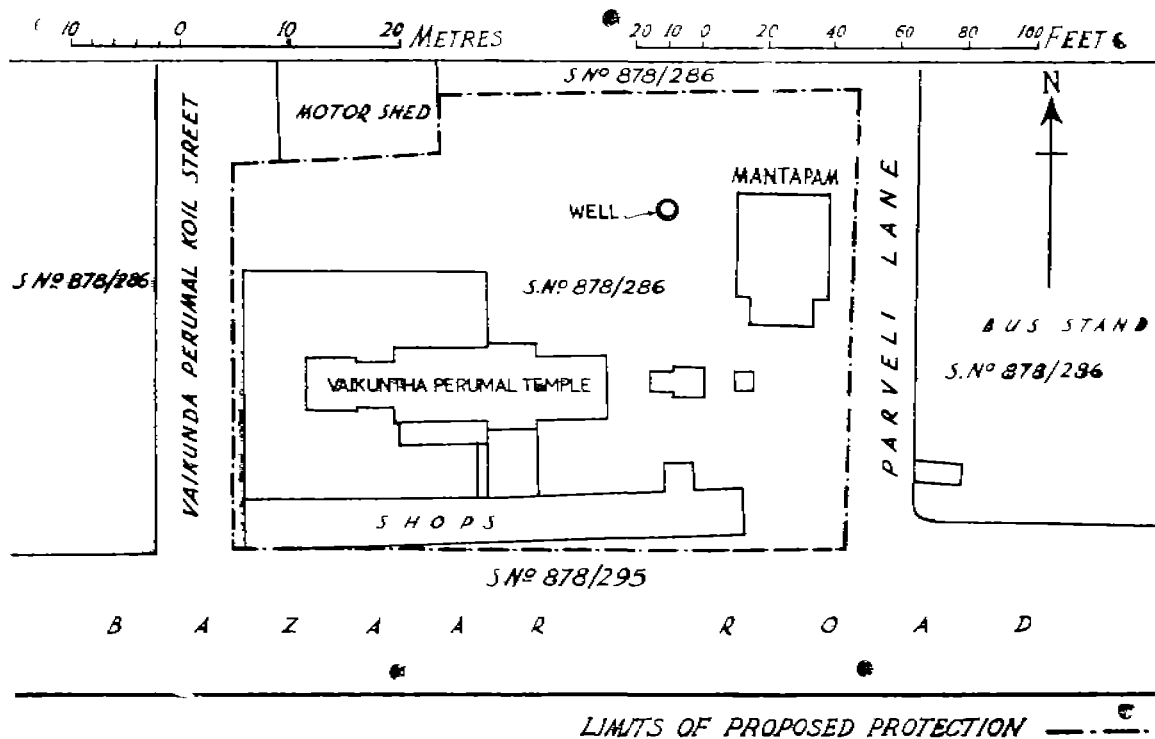
And, whereas, no objections have been received to the making of such declaration.

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby declares the said archaeological monument to be of national importance.

SCHEDULE

State	District	Tehsil	Locality	Name of monument	Revenue plot numbers to be included under protection	Area	Boundaries	Ownership	Remarks
1	2	3	4	5	6	7	8	9	10
Madras	Chingleput	Kanchcepuram.	Uttiramerur	Vaikunthaperumal temple together with adjacent land comprised in part of survey plot No. 878/286.	Part of survey plot No. 878/286 as shown in the plan reproduced below.	0 55 acre.	<p><i>North:</i>—Remaining Portion of survey plot No. 878/286 and motor shed.</p> <p><i>East:</i>—Private lane in the remaining portion of survey plot No. 878/286.</p> <p><i>South:</i>—Survey plot No. 878/295—Road.</p> <p><i>West:</i>—Vaikunthaperumal Koil street in the remaining portion of survey plot No. 878/286.</p>	Vaikunthaswarar Devasathanam Hereditary Trustees.	The temple is under worship.

SITE PLAN OF VAIKUNTHA PERUMAL TEMPLE AT UTTIRAMERUR



[No. F. 4-10/63-C.I.]
 S J. NARSIAN,
 Asstt. Educational Adviser.

MINISTRY OF HEALTH*New Delhi, the 31st October 1963*

S.O. 3182.—In exercise of the powers conferred by the proviso to article 309, and in relation to persons serving in the Indian Audit and Accounts Department, also by clause (5) of article 148, of the Constitution, the President, after consultation with the Comptroller and Auditor General as regards the persons referred to above, hereby makes the following rules, namely:—

1. **Short title, commencement and extent.**—(1) These rules may be called the Central Government Health Scheme (Bombay) Rules, 1963.

(2) They shall come into force on the 8th November, 1963.

(3) They shall extend to:—

(i) such areas in Bombay as the Central Government may, from time to time, by order made in this behalf, specify;

(ii) all persons serving in connection with the affairs of the Union stationed at Bombay and residing in the areas aforesaid:

Provided that the Central Government may, by order, exclude any class or category of persons from the scope of these rules.

2. **Instructions relating to Delhi Scheme to apply to Bombay.**—Notwithstanding anything contained in the Secretary of States' Services (Medical Attendance) Rules, 1938, the Central Services (Medical Attendance) Rules, 1944, or the All India Services (Medical Attendance) Rules, 1954, the instructions issued from time to time by the Government of India relating to the Central Government Health Scheme as in force in Delhi, shall apply *mutatis mutandis* in respect of persons mentioned in sub-rule (3) of rule 1:

Provided that the Central Government may, from time to time, by order made in this behalf, modify the said Scheme in so far as it is applicable to Bombay.

[No. F. 5(I)-2/63-Hosp.]

PYARE LAL GUPTA, Under Secy.

MINISTRY OF WORKS, HOUSING AND REHABILITATION

(Department of Rehabilitation)

(Office of the Chief Settlement Commissioner)

New Delhi, the 5th November 1963

S.O. 3183.—In exercise of the powers conferred by Clause (a) of Sub-Section (2) of Section 16 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (No. 44 of 1954), the Central Government hereby appoints for the Union Territory of Delhi, Shri Bishan Lal, Managing Officer, in the office of the Regional Settlement Commissioner, Delhi, as Managing Officer for the custody, management and disposal of Compensation Pool with effect from the forenoon of 8th October, 1963.

[No. 4(36)Admn(Prop)58.]

KANWAR BAHADUR,

Settlement Commissioner(A) & Ex-Officio, Dy. Secy.

DELHI DEVELOPMENT AUTHORITY**PUBLIC NOTICE**

New Delhi, the 6th November 1963

S.O. 3184.—Notice under Section 10(1) of the Delhi Development Act, 1957 (No. 61 of 1957) read with rules 5 and 15 of the Delhi Development (Master Plan and Zonal Development Plan) Rules, 1959.

Notice is hereby given that

(a) a draft of the zonal development plans for Zones;

(i) D-1 (Connaught Place and Extension Area);

- (ii) D-4 (Parliament Street Area); and
- (iii) D-5 (D.I.Z. Area—Gole Market Area)

has been prepared; and

- (b) a copy thereof will be available for inspection at the following offices between the hours of 11 A.M. and 3 P.M. on all working days except Saturdays, till the date mentioned in para 3 hereinafter;

- (1) Office of the Delhi Development Authority, Delhi Vikas Bhawan, Indraprastha Estate, New Delhi;
- (2) Office of the New Delhi Municipal Committee, Town Hall, New Delhi;
- (3) Office of the Delhi Municipal Corporation, Town Hall, Delhi; and
- (4) Office of the Executive Officer, Delhi Cantonment Board, Delhi Cantt.

2. Objections and suggestions are hereby invited with respect to these draft zonal development plans.

3. The objections or suggestions may be sent in writing to the Secretary, Delhi Development Authority, Delhi Vikas Bhawan, Indraprastha Estate, New Delhi, before the 15th day of February 1964.

Any person making the objection or suggestion should also give his name and address.

[No. F. 4(12)/63-WD.]

R. K. VAISH, Secy.

OFFICE OF THE COLLECTOR, CENTRAL EXCISE, PATNA

TRADE NOTICE

Patna, the 19th October 1963

SUBJECT.—*Electric wires and Cables—R.T. 5 Returns—Submission of—Exemption from—*

S.O. 3185.—On a consideration of the practical difficulties expressed by the manufacturers of electric wires and cables in regard to the preparation of quarterly RT-5 returns of raw materials used in the manufacture of wires and cables, it has been decided that the manufacturers of electric wires and cables need not submit the RT-5 returns.

[No. 39/2-Electric wires & cables/63.]

A. R. SHANMUGAM, Collector.

MINISTRY OF LABOUR & EMPLOYMENT

New Delhi, the 5th November 1963

S.O. 3186.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the factory in sparse areas, hereby exempts the factory situate in the area in the State of Kerala mentioned in the Schedule below from the payment of the employers' special contribution leviable under Chapter VA of the said Act until the enforcement of the provisions of Chapter V of that Act in that area.

SCHEDULE

Sl. No.	Name of District	Name of the area	Name of the factory
1	2	3	4
1.	Palghat	Parli	Shri Pachayappa Industries

[No. F. 6(103)/63-HI.]

S.O. 3187.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts, having regard to the location of the factories in an implemented area, the Kerala Government transport factories namely, the Boat Building Yard at Perumanoor, Ernakulam and the Trichur Transport Garage, Trichur from the payment of the employers' special contribution leviable under Chapter VA of the said Act for the period upto and including the 14th March, 1964.

[No. F. 6(86)/63-HI.]

S.O. 3188.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 2665 dated the 2nd November, 1961, namely:—

In Schedule IV of the said notification, against serial No. 17 the entries "Loni" and "Philips India Ltd." occurring in columns 4 and 5 respectively shall be omitted.

[No. F. HI-6(141)/59.]

S.O. 3189.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts, having regard to the location of the factory in an implemented area, Indore City Municipal Workshop, Indore from the payment of the employers' special contribution leviable under Chapter VA of the said Act for the period upto and including the 28th June, 1964.

[No. F. 6(105)/63-HI.]

O. P. TALWAR, Under Secy.

New Delhi, the 5th November 1963

S.O. 3190.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Hyderabad, in the matter of an application under Section 33A of the said Act from Shri Mohd. Ghalib, turner, Singareni Collieries Company Limited, which was received by the Central Government on the 28th October, 1963.

BEFORE THE HON'BLE INDUSTRIAL TRIBUNAL, ANDHRA PRADESH,
HYDERABAD-Dn.

PRESENT:

Dr. Mir Sladat Ali Khan, M.A., LL.B., Fazel (Osm), B.C.L. (Oxon), D. Phill (Oxon), Bar-at-Law, Lincolns Inn, (London), Chairman, Industrial Tribunal, Andhra Pradesh, Hyderabad.

Miscellaneous Petition No. 36 of 1963

IN

Industrial Dispute No. 15 of 1963

BETWEEN:

Workmen of Singareni Collieries Co., Ltd., Kothagudem
versus.

Employers of Singareni Collieries Co., Ltd., Kothagudem.

APPEARANCES:

Sri M. Komaraiah, for workman, and, Sri P. S. Jayachandra Rao, and P. Sitapati for employers.

AWARD

This is Miscellaneous petition No. 36 of 1963, filed by one Mohd. Ghalib, turner, in the Singereni Collieries Co., Ltd., under section 33A of the Industrial Disputes Act, XIV, of 1947, (hereinafter referred to as the Act). Today was fixed for the hearing and the parties were directed to produce evidence. They are present, but, after drawing my attention to the facts of the case they have left the matter to me without adducing any evidence. I have, therefore, carefully considered the entire record and proceed to pass an award in this case.

2. Mohd. Ghalib was accused of being caught red-handed while stealing 8 iron bushes. It is alleged that these bushes were found in his pocket when Krishna Murthy and Shaik Fareed, watchmen, searched him. The other misconduct attributed to him was that he was given two brass rings for cutting them rough, but that he returned one and misappropriated the other.

2.1. He was duly charge-sheeted and an enquiry was held. Ghalib denied both the charges. Regarding the first his explanation was that often valuable property, even of the value of more than one thousand rupees was stolen with the connivance of watchmen: he had rebuked them for this and they have foisted the charge of stealing 8 iron bushes on him. Regarding the second charge, his reply was that he received two brass rings, turned one and returned other to Sri Swamydas and that his denial that the ring was not returned to him was not correct. He added that he was a turner. There was no need for him to take away any property. He could have asked for it and, therefore, charging him with mis-appropriation is not correct.

2.2 A careful perusal of the record of the enquiry has shown that it is full of serious defects. The proceedings do not show in all cases that the employer's witnesses were recorded in the presence of the charge-sheeted workman Mohd. Ghalib. In the case of theft of 8 iron bushes, the only eye-witnesses were the watchmen Fareed and Narayanamurthy. The statements are there, but, the signature of Ghalib is not on them and there is no note by the Enquiry officer that Ghalib did not cross-examine them. Even on the statements of other witness on which Ghalib's signature is affixed a note to the effect 'no cross-examination by Ghalib' is uniformly absent. This defect permeates both the inquiries, viz., the inquiry into the theft of iron bushes or of the misappropriation of the brass rings. Statements without cross-examination have no evidential value and nothing can be deemed to have been proved by such statements.

2.3. There are other more serious defects also. The most important is that under the provisions of the proviso to section 32(2) of the Act even though Ghalib was dismissed on 20th July, 1963, no application was filed here for approval of his dismissal. As the industrial dispute No. 15 of 1963, was pending such an application is necessary under the said proviso. The stand of the employer on this point is that the said industrial dispute was on the dismissal of a probationer, Ramaswamy Naidu, and, therefore, Md. Ghalib who was a permanent workman was not concerned in that dispute. Again, the mis-conduct was not connected with the dispute and, therefore, the application for approval was not required. I do not agree. The dismissal of Ramaswamy Naidu raised a question of principle whether the dismissal was correct and it was supported by the Union of the workmen and the employer entered into a compromise by which Ramaswamy Naidu was reinstated. As the dismissal of workman is a question affecting all workmen, evidently, Ghalib was a concerned workman. And it is in respect of misconducts not connected with the dispute that sub-section (2) of section 33 of the Act allows the employer to alter the conditions of service by way of dismissal or discharge, but, subject to paying him one month wages and supplying for approval to the appropriate authority before whom the proceedings are pending. Hence, in my opinion it is obvious that the employer should have filed a petition. The provision is mandatory and, therefore, omission to file the petition vitiates the proceedings. I hold accordingly.

2.4. The standing order 16(a) of the certified standing order of Singereni Collieries Co., Ltd., provides that no order of dismissal shall be made unless the employee concerned is informed in writing of the alleged mis-conduct and is given

an opportunity to explain the circumstances alleged against him. I have more than once gone through the papers of enquiry and no such opportunity was given to him before the passing of the order of dismissal. Similarly, the standing order 16(c) provides that in awarding punishment the employer shall take into account the gravity of misconduct, the previous record, if any, of the employee and other extenuating or aggravating circumstances that may exist. Even though, the learned inquiry officer in both of his reports stated that action may be taken after consideration of the previous record, the dismissal order dated 20th July, 1963, does not mention that it has taken into consideration the previous record.

2.5. The previous record of this workman is said to be more or less, without any blemish, extended over a period of 20 years. This is a circumstances which the employer should have taken into consideration. Moreover, Sri Komaraiah, the representative of the workman stated that, Ghalib was a workman not only of the long-standing but, his father and grand-father worked in the concern from its very inception and the grand-father was killed in an accident in the Collieries. I do not say that these facts which were not denied extenuate any grave misconduct. But, under the standing order 16(c) they should have been taken into consideration, but, as they were not taken into consideration the order suffers from this defect also.

2.6. Again the record shows that the learned enquiry officer sent his findings in the enquiry of the two misconducts on 9th and 24th November, 1962. But, the order of dismissal was passed on 20th July 1963, nearly 8 months after. This fact has provided occasion for Ghalib's allegation that the charges were not proved and were dropped as was requested by him in his reply to the show cause notices. In my opinion, the delay was rather unusual and should better have been avoided.

2.7. When the parties have based their case on the record of the domestic enquiry and have refrained from adducing any evidence before me and have expressly stated that they leave the entire case to me it does not appear necessary to give an opinion on merits when the record of the domestic enquiry shows the above stated grave defects which are sufficient to vitiate the entire proceedings. Still, I may say a word or two on merits also. The charge of theft of iron bushes cannot be deemed to have been substantiated when cross-examination was not recorded on the statement of the eye-witnesses. In enquiry into the alleged misconduct of misappropriating the brass-ring, the witnesses were Venkatapathy, A. D. Samuel, Swamydas, Devadanam, Rajeswara Rao, Sri Sayeed and Md. Shafi. A. D. Samuel, Mohd. Shafi and Devadanam have deposed to the giving of one brass ring to Ghalib. This is admitted. The suggestion was that Ghalib took away the other ring in the carrier of his bicycle. About this fact both the witnesses Venkatapathy and Rajeswara Rao denied any knowledge. Rajeswara Rao even stated that there was no bag on the carrier of the cycle. Similarly Venkatapathy also denied that there was any bag on the carrier to the bicycle. So this suggestion of carrying away the ring in a bag on the carrier of the cycle does not appear to have been proved. Sayeed only stated that the foreman directed him to ask Ghalib to give the ring. He did so and Ghalib returned him one ring and when he asked him under instruction of the foreman for another ring Ghalib said that he was having only one ring. Evidently, Sayeed's statement does not prove misappropriation. There remains the evidence of A. D. Samuel: he has only deposed that Ghalib evaded the return of ring. On consideration of the evidence, I feel that though admittedly Swamydas had given a ring to Ghalib it is not sufficiently proved that it was misappropriated. I, therefore, hold that on merit also the misconducts are not sufficiently proved.

2.8. Considering the entire record thus, I hold that on the record on which the parties based their case before me some grave defects are found. The mandatory provision of section 33(2) (b) of the Act was not carried out as the workman was dismissed without the employer filing an application in this Tribunal. That alone is enough to set aside the order of dismissal. I hold accordingly. I may only add that the provisions of the standing orders were also not carried out. To them I have referred to above.

3 I, therefore, direct that the workman should be reinstated with continuity of service, but, without back wages.

Report accordingly to Government this 21st day of October, 1963.

M. S. ALI KHAN,
Industrial Tribunal.

[No. 7/1/63-LR. II.]

S O. 3191.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay in the industrial dispute between the employers in relation to Messrs. A. B. Cursetjee and Sons (Private) Limited, Bombay and their workmen which was received by the Central Government on the 28th October, 1963.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT BOMBAY

REFERENCE No. CGIT-31 of 1963

Employers in relation to M/s. A. B. Cursetji & Sons (P) Ltd.,

AND

Their Workmen.

PRESENT:

Shri Salim M. Merchant, Presiding Officer.

APPEARANCES:

For the Employers.—Shri K. M. Jamadar, Industrial Relations Consultant.

For the Workmen.—Shri K. R. Dengle, Advocate, instructed by the Transport & Dock Workers' Union.

INDUSTRY: Docks & Ports.

STATE: Maharashtra.

Bombay, dated 26th October 1963

AWARD

The Central Government by the Ministry of Labour and Employment's order No. 28/29/63-LRIV, dated 18th July, 1963, made in exercise of the power conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act 1947 (Act XIV of 1947) was pleased to refer the industrial dispute between the parties above named, in respect of the subject matters specified in the following schedule, to me for adjudication:—

SCHEDULE

"Whether Shri Pundalik Krishna, bargeman of Messrs. Arbshir B. Cursetji & Sons (P) Ltd., Bombay is entitled to full wages for the period from 20th April, 1962, to 2nd November, 1962, approximately, when he was refused work by the management."

2. The admitted facts are that Pundalik Krishna who was employed as a bargeman by Messrs. A. B. Cursetji & Sons (P) Ltd., (hereinafter referred to as the employers) was, along with three other bargemen and four fishermen who were in two boats which were tied to the employer's barge No. B/5957, arrested by the Police at Hay Bunder, Sewree, on or about 5th April, 1962, on the charge under Section 124 of the Bombay Police Act 1951 of being in possession of 34 bags of wheat valued at about Rs. 510/-, which were believed to be stolen property for the possession of which they could not satisfactorily account. It is admitted that till he was released on bail on 20th April, 1962, the accused was in police custody and that on 20th September, 1962, he along with the other accused was acquitted. The learned Magistrate in his judgment, copy of which was tendered at the hearing of the dispute before me, held that as the wheat found in the barge was mixed with sweepings it was abandoned property and that in collecting the same the accused could not be said to have collected the same by stealth or fraud and it, therefore, could not reasonably be said to be stolen property and he, therefore, acquitted the accused. It is admitted that after Pundalik Krishna's acquittal, the Union represented his case before the management, who took him back in service on 2nd November, 1962, on his giving an undertaking for good behaviour in the future. The Union, however, in this reference claims that Pundalik Krishna should be treated as re-instated and paid his back wages and all dues from 20th April, 1962, to 2nd November, 1962.

3. The Union in its written statement of claim dated 12th August, 1963, has in support of its claim urged that Pundalik Krishna's acquittal by the magistrate established his innocence; that Pundalik was not aware of the existence of any Standing Orders that all sweepings on the barges were to be collected, put in bags and handed over to the principals, i.e. the Government of India; that Pundalik Krishna was not a temporary employee, but had put in 3 years' service with this

employers; that Pundalik was unjustifiably kept in a state of enforced un-employment by the employers from the date he was released on bail on 20th April, 1962 till he was acquitted on 20th September, 1962 and, thereafter, till 2nd November, 1962, when he was taken back in service.

4. The employer company in its written statement dated 22nd August, 1963 has stated that Pundalik was one of the pool of temporary 60 bargemen from which bargemen were drawn and given temporary employment for a couple of days as and when there was additional work and were paid daily rated wages. Such bargemen were free and un-fettered to seek work elsewhere, as and when they could not be given work by the employers.

5. The employer company has contended that the action of Pundalik in collecting 34 bags of wheat sweepings was dishonest because he should have handed over this to the principals of the employers; that instead of doing so he had dishonestly tried to dispose of these 34 bags when he was arrested by the police; that the police may not have stumbled on this incident accidentally but must have had information of such previous dealings and, therefore, kept a constant watch and arrested the said Pundalik Krishna along with his accomplices, red handed: that as Pundalik had been acquitted by the Magistrate on technical grounds, his innocence was not free from reasonable doubt; that Pundalik was feigning ignorance of the standing orders of the company that such sweepings are to be handed over to the owners; that in fact this is done on all the barges and it is commonsense that employees cannot be allowed to misappropriate or deal with material which does not belong to them; that the employees were in duty bound to hand over the remnants of a cargo handled by a barge to the employers and had no right to misappropriate the same and attempt to dispose of them whatever the value of the said items; that the action of Pundalik Krishna in clandestinely accumulating as many as 34 bags and attempting to dispose them of to outsiders clearly established his dishonesty; that he had not denied that he had collected the 34 bags of wheat sweepings valued at over Rs. 250/- which was part of the total cargo. The company has denied that Pundalik Krishna had been in direct employment with the company for a period of 3 years as contended in the union's statement of claim; that the company had no intention to re-employ such a dishonest employee but on Pundalik's assurance not to commit such misconduct again and on the intervention of the Transport and Dock Workers' Union, he was taken on work again; that during the pendency of the criminal proceedings the employers had lost all confidence in Pundalik Krishna and it is submitted that they were not bound to give him employment. The company in its written statement has alleged that he was out of Bombay after his acquittal and it has expressed its surprise at the union not taking up his case earlier; that on the intervention of the union Pundalik had been taken on the pool of temporary bargemen and that as he had not worked between 20th April 1962 and 2nd November 1962, he was not entitled to his wages for that period.

6. Neither party at the hearing has led any oral evidence and both parties have relied upon the pleadings contained in their written statements. The company at the hearing filed an addenda to its written statement urging that this reference was not valid and that this Tribunal had no jurisdiction to adjudicate upon it as the reference was barred under section 22 of the Payment of Wages Act, 1936 and that Pundalik's remedy for his wages was under an application under section 15 of the Payment of Wages Act (Act 4 of 1936). I am not impressed by this objection of the company. Clearly this is an industrial dispute regarding the non-employment of Pundalik Krishna who admittedly was an employee of the company for the period stated in the order of reference. As stated in the order of reference the question is whether the management had refused employment to him and whether such refusal was justified and the payment of wages is consequential thereto. Clearly, therefore, this is a matter which falls within the ambit of the definition of "industrial dispute" as contained in section 2(k) of the Industrial Disputes Act, 1947, and I, therefore, hold that this is a valid reference and I have jurisdiction to entertain the same.

7. With regard to the merits, though Pundalik was acquitted by the Magistrate's Court the same would not ipso facto entitle him to reinstatement in service with back wages from 20th April 1962. In the absence of evidence I must decide the issue referred to me on the probabilities of the case. It is now well settled that Industrial Tribunals do not in adjudging the misconduct of an employee adopt the same stringent standards as a criminal court adopts in finding him guilty of the offence with which he is charged. I am inclined to accept the management's contention that they had sufficient grounds for losing confidence in Pundalik as an employee because of the circumstances of the case. Firstly, the barge was taken by Pundalik from the Prince's Dock to Hay Bunder where he was trying

to dispose of 34 bags of sweepings. It is admitted that the barge is employed for unloading grains imported into the country and it seems to me that there is substance in the company's contention that such a large quantity as 34 bags of wheat could not have been collected merely by way of sweepings. It is not denied that this property was in the first instance valued by the Police at Rs. 510/- but that it was disposed of at an auction sale which fetched Rs. 250/-. It is thus established that the wheat sweepings thus accumulated by Pundalik were of substantial value and I cannot accept the contention on behalf of the workmen that there was no rule in the company that property of such substantial value was to be collected and handed over to the owners. Another factor that impresses me is that as a result of the conduct of Pundalik the barge remained in police custody for 10 days. This statement of the management was not denied at the hearing and the management has stated that this caused them a loss of Rs. 3000/-, which statement I am quite prepared to accept.

8. I am, therefore, not satisfied that Pundalik's conduct can be said to be free from blame. He may have been acquitted by the Magistrate but his acquittal was on technical grounds and the circumstances to which I have referred earlier though they may not have resulted in his conviction by a criminal court, are none the less circumstances which would certainly weigh with an Industrial Tribunal. The management has stated that they re-employed Pundalik because of the union's intervention and because Pundalik gave an undertaking for good behaviour in the future. The company has urged that to call upon it to pay wages for the period claimed by the union would be placing a premium on dishonesty. There is substance in this contention of the management. There is, however, one factor which goes against the management in that it did not charge Pundalik with any misconduct or hold any enquiry after he had been acquitted by the Magistrate. I am of the opinion that the company's refusal to employ him during the period his case was pending in the Magistrate's Court was, in the circumstances, justified, but I feel that after he was acquitted on 20th September 1962, if the management did not want him to continue in service it should have served a charge-sheet upon him charging him with the appropriate misconduct and that for this failure Pundalik should be granted some relief, I think, therefore, that some relief should be granted to Pundalik for the period between 20th September 1962 and 2nd November 1962 which is a period of about 42 days and I feel that the ends of justice would be met if I were to direct the management to pay Pundalik half his normal wages for this period only. I am granting this relief to Pundalik not because I am satisfied that he has been completely innocent, but because of the failure of the management to serve a charge-sheet and hold an enquiry. In the result, I hold that Pundalik Krishna is entitled to only half the wages for the period between 20th September which is the date of his acquittal and 2nd November 1962 which is the date on which he was taken back in service.

No order as to costs.

(Sd.) SALIM M. MERCHANT

Presiding Officer,
Central Government Industrial Tribunal,
Bombay.

[No. 28/29/63/LR.IV.]

ORDERS

New Delhi, the 5th November 1963

S.O. 3192.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to Messrs Kanji Jadhavji and Company, Bombay and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay constituted under section 7A of the said Act.

SCHEDULE

Whether the rate of wages paid to one Mukadam and 14 Pallewallas employed on cement bags by Messrs Kanji Jadhavji and Co., Bombay is justified. If not to what relief they are entitled and from what date.

[No. 28/29/63-LR.IV.]

S.O. 3193.—Whereas, the employers in relation to the Bombay Port Trust, Bombay and the Bombay Port Trust General Workers' Union have jointly applied to the Central Government for reference of an industrial dispute between them to a Tribunal in respect of the matter set forth in the said application and reproduced in the Schedule hereto annexed;

And, whereas, the Central Government is satisfied that the said Bombay Port Trust General Workers Union represents a majority of the workmen;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

SCHEDULE

Whereas an industrial dispute exists between the Bombay Port Trust and its workmen represented by the B.P.T. General Workers' Union and it is expedient that the dispute specified in the enclosed statement should be referred for adjudication by a Tribunal an application hereby made under Section 10(2) of the Industrial Disputes Act, 1947, that the said dispute should be referred to a Tribunal.

A statement giving the particulars required under rule 3 of the Industrial Disputes (Central) Rules, 1957, is attached.

Dated the 4th October, 1963.

Signature of

Sd/-

Principal Officer
of the Corporation.

Secretary, Bombay Port Trust.

Signature of the

Sd/-

President of the Trade
Union.

Sd/-

1-10-63

General Secretary of the Trade Union.

Statement required under rule 3 of the Industrial Disputes (Central) Rules, 1957, to accompany the form of application prescribed under Sub-section (2) of Section 10 of the Industrial Disputes Act, 1947:—

(a) Parties to the dispute including the name and address of the establishment or undertaking involved.

(1) The Trustees of the Port of Bombay Port Trust Administrative Offices, Ballard Road, Bombay-1.

(2) The B.P.T. General Workers' Union, Kavarana Building, 1st Floor, 26, Frere Road, Bombay-9.

(b) Specific matters in dispute.

"Whether the Shore Lascars of Butcher Island who have been handling the mooring lines of tankers docking or undocking at Pir Pau would be justified in claiming payment of additional remuneration for doing such work."

(c) Total number of workmen employed in the undertaking affected.
About 25,000.

(d) Estimated number of workmen affected or likely to be affected by the dispute.

About 78.

(e) Efforts made by the parties themselves to adjust the dispute.

The parties have held discussions but have been unable to reach a settlement; they, however, agreed to refer the matter to adjudication.

Sd/

Principal Officer of the Corporation.
Secretary, Bombay Port Trust.

Sd/-

President of the Trade Union.

Sd/-

General Secretary to the Trade Union.

[No. 28/84/63/LRIV.]

New Delhi, the 6th November 1963

S.O. 3194.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Girimint Colliery of Messrs. Bengal Coal Company Limited, Post Office Dishergarh, Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the dismissal of Sarvashri Shamsuddin, Bhagirath and Ramkanta, loaders of the Girimint Colliery by the management of the said Colliery was justified, and if not, to what relief are they entitled?

[No. 6/28/63-LR.II.]

New Delhi, the 7th November 1963

S.O. 3195.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the National and Grindlays Bank Limited, Madras, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri Ganapatia Pillai shall be the Presiding Officer, with headquarters at First Line Beach, Madras and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

1. Whether the promotions in respect of Sarvashri V. Ramachandran, M. S. Varada Rajan and L. P. Sampath as Probationary Assistants made by the management of the National and Grindlays Bank Limited, Madras are not unjustified in the light of the provisions contained in paragraph 529 of the Shastri Award? If so, to what relief are the persons senior in service to the said promotees entitled?

2. Whether the appointment of Sri K. P. Ananthanarayanan as a Checking Clerk at the Lloyds Branch of the National and Grindlays Bank Limited, Madras, is in violation of the rights, if any, of the persons senior to him in service and if so, whether it was justified. In case it was not justified, to what relief are the said seniors in service entitled?

[No. 51(74)/63-LR.IV.]

S.O. 3196.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Vulcan Insurance Company Limited and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

SCHEDULE

Whether the terms and conditions of service of the workmen in the Vulcan Insurance Company Ltd., in respect of the following matters call for any revision and, if so, in what respect?

- (1) Scales of pay.
- (2) Dearness Allowance.
- (3) Other allowances.
- (4) Age of retirement.
- (5) Leave.
- (6) Gratuity.

[No. 70(6)/63-LRIV.]

New Delhi, the 8th November 1963

S.O. 3187.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the North Jhagrakhand Colliery of Messrs. Jhagrakhand Collieries (Private) Limited, Post Office Jhagrakhand Colliery, District Surguja, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

SCHEDULE

Whether the demand for higher categories/grades in respect of the following workmen employed in the workshop located in the North Jhagrakhand Colliery is justified. If so, to what relief are the workmen entitled?

S. No.	Name of the workman	Designation
1.	Shri Mohanlal	Elec can
2.	Shri Shankarlal	Turner
3.	Shri Rabindranath Chakravarty.	Machinist
4.	Shri Radharanjan Palit	Machinist
5.	Shri Kodulal	Moulder.

[No. 5/40/63-LR.II.]

A. L. HANDA, Under Secy.

New Delhi, the 6th November 1963

S.O. 3198.—In exercise of the powers conferred by sub-section (1) of section 19 of the Minimum Wages Act, 1948 (11 of 1948), the Central Government hereby appoints the officers specified in column (1) below to be Inspectors for the purposes of the said Act, within the local limits specified in the corresponding entries in column (2) thereof and makes the following amendments in the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 3476, dated the 8th November, 1962, namely:—

In the Schedule to the said notification,

(1)

(2)

- (1) after item 5, the following item and entries shall respectively be inserted, namely :—

“3A Regional Labour Commissioner (Central), The States of Gujarat and Maharashtra”.
Bombay.

- (2) after item 11, the following item and entries shall respectively be inserted, namely :—

“11A Regional Labour Commissioner (Central), Calcutta. The States of West Bengal, Assam, Nagaland and the Union Territories of Manipur and Tripura”.

(1)

(2)

- (3) after item 19, the following item and entries shall respectively be inserted, namely :—

“19A Regional Labour Commissioner, (Central) Madras. The States of Madras, Mysore and Kerala”.

- (4) after item 23, the following item and entries shall respectively be inserted, namely :—

“23A Regional Labour Commissioner (Central), Jabalpur. The States of Madhya Pradesh and Rajasthan.”

- (5) after item 27, the following item and entries shall respectively be inserted namely :—

“27A Regional Labour Commissioner (Central), Kanpur. The States of Uttar Pradesh and Punjab and the Union Territories of Himachal Pradesh and Delhi.”

- (6) after item 33, the following item and entries shall respectively be inserted, namely :—

“33A Regional Labour Commissioner (Central), Dhanbad. The State of Bihar”.

- (7) after item 40, the following item and entries shall respectively be inserted, namely :—

“40A Regional Labour Commissioner (Central), Visakhapatnam. The States of Andhra Pradesh and Orissa”.

[No. LWI(I)3(41)/62.]

K. K. UPPAL, Under Secy.

New Delhi, the 8th November 1963

S.O. 3199.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Shrimati Gouri Chatterjee and Shri Sabyasachi Nag to be Inspectors for the whole of the State of West Bengal and the Union territories of Tripura and the Andaman and Nicobar Islands for the purposes of the said Act or of any scheme framed thereunder, in relation to an establishment belonging to, or under the control of the Central Government, or in relation to any establishment connected with a railway company, a major port, a mine or an oil-field or a controlled industry.

[No. 20(49)63-PF.I.]

SHAH AZIZ AHMAD, Dy. Secy.

New Delhi, the 8th November 1963

S.O. 3200.—In exercise of the powers conferred by sub-section (1) of section 5 of the Mines Act, 1952 (35 of 1952), the Central Government hereby appoints Shri R. G. Deo, Additional Chief Inspector of Mines, to be the Chief Inspector of Mines, for all the territories to which the said Act extends, with effect from the 9th November, 1963 vice Shri G. S. Jabbi.

[No. 8/61/63-MI.]

R. C. SAKSENA, Under Secy.

